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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,835	03/08/2007	David S. Seitz	58012US005	7491
32692 7590 02/23/2010 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
EXAMINER NORDMEYER, PATRICIA L				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
02/23/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com

LegalDocketing@mmm.com

Office Action Summary

Application No.

10/595,835

Applicant(s)

SEITZ ET AL.

Examiner

Patricia L. Nordmeyer

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) 39-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Repeated Rejections

1. The 35 U.S.C. 112 2nd paragraph rejection of claims 33 – 38 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is repeated as Applicant's arguments in the response dated January 13, 2010 are found to be unpersuasive. The rejections are repeated below for Applicant's convenience.

The phrases "a piece of paper comprising fibers and having a release side free of a structural support layer", "wherein said release material does not form a structural support layer" and "wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece" in claim 33 are unclear, which render the claim vague and indefinite. It is unclear from the claim language what the structure of the release liner is supposed to be. The language states that there is not a structural support layer, goes on to define the term structural support layer, but also claims that there is release material bonded to the surface of the paper. How can a layer be bonded to the paper when it isn't supposed to be there?

Claims 34 – 38 are also rejected under 25 U.S.C. 112 2nd paragraph due to their dependency on the above rejected claim.

2. The 35 U.S.C. 102(b) rejection of claims 33 – 38 as being anticipated by WO 00/69985 is repeated as Applicant's arguments in the response dated January 13, 2010 are found to be unpersuasive. The rejections are repeated below for Applicant's convenience.

WO 00/69985 discloses a structured paper release liner (Page 13, lines 12 – 18) for use with an article backed with a pressure sensitive adhesive (Page 13, lines 12 and 13), said liner comprising: a piece of paper comprising fibers and having a release side free of a structural support layer (Page 13, lines 12 – 19), a back side (Figure 8), and a structured release surface having a pattern formed into, so as to deform the fibers of said paper on said release side (Figure 8); and a release material bonded to said structured release surface of said paper, wherein said release material does not form a structural support layer (Page 13, lines 18 – 22), wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece, and wherein the pattern formed in said paper is dimensioned so as to form fluid egress channels in a bonding surface of the pressure sensitive adhesive (Page 13, lines 12 – 23), when the pressure sensitive adhesive is applied to said structured release surface or said structured release surface is forced into the bonding surface of the pressure sensitive adhesive, such that the fluid egress channels define a structured bonding surface having exit pathways for at least some of the fluid to bleed out from behind the article when the article is adhered to a substrate (Abstract) as in claim 33. With regards to claim 34 the

pattern comprises a plurality of outwardly extending protrusions that are sized and shaped so as to penetrate and form fluid egress channels in the pressure sensitive adhesive that is applied onto said structured release surface (Figure 8; Abstract). For claim 35, the pattern formed in said paper on said release side is a contiguous square pyramidal pattern with a shallow angle α of up to about 45 degrees (Page 10, lines 10 - 13). Regarding claim 36, the paper further comprises a support material on said back side of said paper (Page 13, lines 14 - 16). As in claim 37, the back side of said paper is relatively flat (Figure 8). With regards to claim 38, the structured release surface is a microstructured release surface (Abstract).

Response to Arguments

3. Applicant's arguments filed January 13, 2010 have been fully considered but they are not persuasive.

In response to Applicant's argument that claim 33 never recites the structured paper release liner comprises a structural support layer, the presence of the definition of a structural support layer confuses the issue of what is trying to be claimed. If the invention is directed towards a specific structure, the claim language needs to be directed towards claimed specific structure. The definition of the term results in confusion, especially when a dependent claim (claim 36) wants the structural support layer to be present.

In response to Applicant's argument that WO 00/69985 does not disclose a piece of paper comprising fibers and having a release side free of a structural support as it discloses a paper

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coated or laminated with plastic wherein the plastic portion of the liner and release material are separate elements, the definition provide in claim 33 states “wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece”. The layer of plastic in WO 00/69985 can not be separated from, or produced separately from, the paper core in one piece since it coated (one of the options found on page 13, lines 12 – 23) onto the paper material, which causes some of the plastic to be absorbed into the paper material. This absorption would not allow the plastic to be separated from the paper in one piece. Also, there is nothing in the claim that states that the release material has to be separate from the plastic portion. The release material only has to be bonded to the paper. If it is part of the plastic coating, it is still bonded to the paper substrate.

In response to Applicant’s argument that there is no teaching of a support material on the back of the paper in WO 00/69985, the plastic layer in WO 00/69985 can either be coated on or laminated onto the paper substrate. If the layer is laminated onto the paper, it can be produced separately from the paper layer, as defined in claim 33.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Primary Examiner
Art Unit 1794

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